

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:15-00227

DERECK SKYLER BROWN

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On November 18, 2021, the United States of America appeared by Patrick J. Jeffrey, Assistant United States Attorney, and the defendant, Dereck Skyler Brown, appeared in person and by his counsel, Timothy J. LaFon, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a three (3) year term of supervised release in this action on November 30, 2018, as more fully set forth in the Judgment in a Criminal Case entered by the court on October 17, 2016.

The court heard the admissions of the defendant, and the representations and arguments of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respect: (1) on September 13, 2021, the defendant was in possession of a stolen firearm, that is a loaded, Smith and Wesson 9mm handgun; and, (2) on or about January 27, 2020, the defendant was in the company of, and associated with, Jeremy Kiser a convicted felon, when the defendant did not have permission from the probation officer to associate with any person convicted of a felony; all as admitted by the defendant and as set forth in the petition on supervised release, and by the court's findings on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violation warrants revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32.1(b) (2) and (c) (1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, to be followed by TWO (2) YEARS of supervised release upon the same terms and conditions as heretofore.

The defendant has requested, and the court recommends, that the defendant continue his confinement at South Central Regional Jail, and he be allowed to participate in the work release program, if feasible, so the defendant may continue his employment.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 22, 2021



John T. Copenhaver, Jr.
Senior United States District Judge